



House of Representatives

General Assembly

File No. 631

January Session, 2009

Substitute House Bill No. 6188

House of Representatives, April 15, 2009

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STATE EMPLOYEES AND VIOLENCE AND BULLYING IN THE WORKPLACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4a-2a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) As used in this section:

4 (1) "Abusive conduct" means conduct or a single act of a state
5 employee in the workplace that is performed with malice and is
6 unrelated to the state's legitimate interest that a reasonable person
7 would find hostile or offensive considering the severity, nature and
8 frequency of the conduct or the severity and egregiousness of the
9 single act. Abusive conduct includes, but is not limited to, (A) repeated
10 infliction of verbal abuse such as the use of derogatory remarks, insults
11 and epithets; (B) verbal or physical conduct that a reasonable person
12 would find threatening, intimidating or humiliating; or (C) sabotaging

13 or undermining a person's work performance; and

14 (2) "State employee" means all state agency personnel, but does not
 15 include contractors, subcontractors or vendors of the state.

16 (b) For the fiscal year ending June 30, 1999, and each fiscal year
 17 thereafter, the Commissioner of Administrative Services, in
 18 consultation with the Commissioner of Mental Health and Addiction
 19 Services and the Commissioner of Public Safety, shall, within the limits
 20 of available appropriations, provide an appropriate program of
 21 workplace stress and violence awareness, prevention and
 22 preparedness for state employees.

23 (c) On or before January 1, 2010, the Commissioner of
 24 Administrative Services, or the commissioner's designee, in
 25 consultation with the Commissioners of Public Safety, Public Works,
 26 and Mental Health and Addiction Services, or their designees, shall,
 27 within existing budgetary resources, establish policies and procedures
 28 for preventing, reporting, evaluating and investigating complaints of
 29 abusive conduct occurring in the workplace between state employees.

30 (d) On or before January 1, 2010, and annually thereafter, the
 31 Commissioner of Administrative Services shall report, in accordance
 32 with the provisions of section 11-4a, to the Governor and the joint
 33 standing committee of the General Assembly having cognizance of
 34 matters relating to labor summarizing the number of complaints of
 35 workplace violence or abusive conduct involving state employees and
 36 the outcomes of such complaints for the preceding year. Such report
 37 shall include recommendations for administrative or legislative action
 38 related to such complaints.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	4a-2a

LAB

Joint Favorable Subst. C/R

GAE

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Dept. of Administrative Services; Mental Health & Addiction Serv., Dept.; Public Safety, Dept.; Pub. Works, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill gives the Department of Administrative Services commissioner, in consultation with commissioners of Public Safety, Public Works, and Mental Health and Addiction Services, until January 1, 2010 to establish policies and procedures for preventing, reporting, evaluating, and investigating workplace abusive conduct complaints. This bill has no fiscal impact on the state.

Sources: Department of Administrative Services, Department of Public Safety, Department of Public Works, Department of Mental Health and Addiction Services

OLR Bill Analysis**sHB 6188*****AN ACT CONCERNING STATE EMPLOYEES AND VIOLENCE AND BULLYING IN THE WORKPLACE.*****SUMMARY:**

This bill requires the Department of Administrative Services (DAS) to report annually, beginning by January 1, 2010, to the governor and the Labor and Public Employees Committee on the number and outcome of complaints of (1) workplace violence involving state employees and (2) abusive conduct occurring in the workplace between state employees. The report must include any recommendations for administrative or legislative action related to the complaints.

Under the bill, “abusive conduct” is conduct or a single act of a state employee in the workplace that is (1) performed with malice and (2) unrelated to the state’s legitimate interest that a reasonable person would find hostile or offensive considering the severity, nature, and frequency of the conduct, or the severity and egregiousness of the single act. The bill provides examples of this. It specifies that “state employee” means all state agency personnel, but does not include contractors, subcontractors, or vendors of the state.

The bill gives the DAS commissioner, in consultation with other commissioners, until January 1, 2010 to establish policies and procedures for preventing, reporting, evaluating, and investigating workplace abusive conduct complaints. This must be done within existing budgetary resources.

By law, and unchanged by the bill, the DAS commissioner must provide an appropriate program for state employees regarding workplace stress and violence awareness, prevention, and

preparedness.

EFFECTIVE DATE: October 1, 2009

EXAMPLES OF ABUSIVE CONDUCT

The bill states that abusive conduct includes but is not limited to:

1. repeated infliction of verbal abuse such as the use of derogatory remarks, insults, and epithets;
2. verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or
3. sabotaging or undermining a person's work performance.

CONSULTING WITH OTHER COMMISSIONERS

In establishing policies and procedures regarding abusive conduct in the workplace, the DAS commissioner, or her designee, must consult with the public safety, public works, and mental health and addiction services commissioners, or their designees. By law the commissioner must consult with public safety and mental health and addiction services commissioners, or their designees, to provide the appropriate workplace stress and violence prevention and preparedness program.

BACKGROUND

Anti-Violence in the Workplace Policy

In 1999, Executive Order No. 16 outlined a violence in the workplace prevention policy and directed all state agency personnel, contractors, and vendors to comply with it. It requires (1) employees who feel subjected to or witness violent, threatening, harassing, or intimidating behavior in their workplace to immediately report it and (2) managers and supervisors to contact their human resources office and take other appropriate steps.

After the executive order was issued the Statewide Security Management Council developed a comprehensive *Violence in the Workplace Policy and Procedures Manual*.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0 (02/26/2009)

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 5 (03/30/2009)